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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/597,351 06/19/00 BUNTE

U 2598/207-150

EXAMINER

PM92/0410

LERNER AND GREENBERG PA
POST OFFICE BOX 2480
HOLLYWOOD FL 33022-2480

SAFAVI, M

ART UNIT

PAPER NUMBER

3635

DATE MAILED:

04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

597,351

Applicant(s)

BUNZE

Examiner

SAFAVI

Group Art Unit

3635

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on JUNE 19, 2000.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “outer peripheral border region...in a latched state” and the “free gap...being open toward said border region, bounded inwardly by said inner contour and by said expansible shaped element and having a shape corresponding substantially to said shaped element” and “latching devices...integrally formed on an outer surface of one of said half shells” and “latching devices integrally formed on an outer border of one of said half-shells” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not appear clear and complete as to the “outer peripheral border region...in a latched state” as is presented in claim 1. Nor does the specification appear clear and complete as to a “free gap...being open toward said border region, bounded

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inwardly by said inner contour and by said expansible shaped element and having a shape corresponding substantially to said shaped element". Nor does the specification appear clear and complete as to "latching devices...integrally formed on an outer surface of one of said half shells". Nor does the specification appear clear and complete as to "latching devices integrally formed on an outer border of one of said half-shells".

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 1011, what particularly is being defined by "outer peripheral border region...in a latched state"? The specification does not appear clear as to such limitation. Lines 12-15, what particularly is being defined by "free gap...being open toward said border region, bounded inwardly by said inner contour and by said expansible shaped element and having a shape corresponding substantially to said shaped element"? The specification does not appear clear as to such limitation(s).

Claim 4, line 3, what, specifically, does "in the vicinity" define? Line 4, "said latching devices" lacks an antecedent basis within the claim.

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Claim 5, lines 4-5, "said latching devices" lacks an antecedent within the claim. Line 5, what, specifically, does "in the vicinity" define? Would not the latching devices be disposed upon the "inner contour" as well as "said region of said second half shell" with "inner contour" as well as "said region of said second half shell" being of such breadth as to read on the entire "first half-shell" and "second half-shell"?

Claim 7, lines 1-2, "said latching devices" lacks an antecedent within the claim. Further, it is not clear as to how latching devices are disposed upon an "outer surface of one of said half-shells". The specification appears to define the latching elements as upon the inner surface of each half-shell.

Claim 8, lines 1-2, "said latching devices" lacks an antecedent within the claim. Further, it is not clear as to how latching devices are disposed upon an "outer border of one of said half-shells". The specification appears to define the latching elements as upon a central inner surface of each half-shell.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. Claims 1, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Miura et al. Miura et al. shows, Fig. 4, retaining device formed by two half-shells 12/14 and 16/11 with an expansible shaped element 15 of a contoured ring-like plate inserted within the retaining device. The expansible element expanding under the influence of heat.

8. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hull et al. Hull et al. shows, Fig. 2, retaining device formed by two half-shells 20 and 16 with an expansible shaped element, (seen along either side of latching means 18), of a contoured ring-like plate inserted within the retaining device. Latching devices 40/48 and 18 are disposed on inner surfaces, ("outer surface" or "outer border"?), of the half shells with element 18 possessing a mushroom-shape at 38. Latching cylinder being at 40/48.

9. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Berdan et al. Berdan et al. shows, Fig. 8, retaining device formed by two half-shells 36c and 24c with an expansible shaped element 110 of a contoured ring-like plate inserted within the retaining device. Latching devices 102/104 and 84 are disposed on inner surfaces, ("outer surface" or "outer border"?), of the half shells with element 102/104 possessing a mushroom-shape at 106/108. Latching cylinder being at 84/96.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read 'M. Safavi', with a stylized flourish at the end.

**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354**

M. Safavi
April 9, 2001